

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

04 CR 10343 NG

UNITED STATES OF AMERICA

v.

HECTOR A. OQUENDO

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CRIMINAL NO.

VIOLATIONS:

18 U.S.C. § 1341 (Mail Fraud)

18 U.S.C. § 1343 (Wire Fraud)

18 U.S.C. § 2 (Aiding and Abetting)

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

1. At all times relevant to this indictment, HECTOR A. OQUENDO resided in Massachusetts.
2. At all times relevant to this indictment, Luis Cabrera and others not known to the grand jury obtained the identification information of other individuals, including these other individuals' names, addresses, dates of birth, and social security numbers.
3. On or about March 27, 2003, OQUENDO purchased a 2003 Mitsubishi Eclipse Spyder for \$34,971.90, more or less, from Boch Mitsubishi in Norwood, Massachusetts. OQUENDO could not qualify based on his own income and credit history for the loan required to finance the purchase of this vehicle. Instead, in order to obtain the necessary financing, Cabrera accompanied OQUENDO to Boch Mitsubishi and represented himself to be Nelson Roman, a true person.
4. Cabrera presented a forged New York State Driver's License with Nelson Roman's identification information, but with Cabrera's photograph, and also provided Nelson

Roman's social security number. Cabrera, posing as Nelson Roman, signed the loan application, which purported to bind Nelson Roman to guarantee the repayment of the loan.

5. OQUENDO also provided a forged payroll certificate, which purported to show his income and employment status at the time of the loan application. OQUENDO knew at that time that this payroll certificate was not his.

6. OQUENDO signed the loan application submitted to Mitsubishi Motors Credit of America, Inc., in which he attested to the truth and accuracy of all the information contained in the loan application, though in truth and in fact he knew that the loan application contained numerous material false representations.

COUNT ONE: (18 U.S.C. § 1341 – Mail Fraud)

The Grand Jury further charges that:

7. Paragraphs 1-6 are incorporated by reference as though fully set forth herein.
8. On or about March 27, 2003, at Norwood in the District of Massachusetts,

HECTOR A. OQUENDO

defendant herein, working with Luis Cabrera, a separately charged individual, and others not known to the Grand Jury, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing and attempting to do so, did cause persons to place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the United States Postal Service or by private or commercial carrier, and caused to be deposited matters and things to be sent or delivered by the United States Postal Service or by a private or commercial interstate carrier, and took and received therefrom such matters and things, and knowingly caused to be delivered by the United States Postal Service mail or by private or commercial carrier according to the directions thereon, such matters and things, to wit, a loan application and other documents from Boch Mitsubishi in Massachusetts to Mitsubishi Motors Credit of America, Inc. in California.

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT TWO: (18 U.S.C. § 1343 – Wire Fraud)

The Grand Jury further charges that:

9. Paragraphs 1-6 are incorporated by reference as though fully set forth herein.
10. On or about March 27, 2003, at Norwood in the District of Massachusetts,

HECTOR A. OQUENDO

defendant herein, working with Luis Cabrera, a separately charged individual and others not known to the Grand Jury, having devised the above-described scheme and artifice to defraud and obtain money or property by means of false pretenses, for the purpose of executing and in order to effect the scheme and artifice to defraud and obtain money or property, did knowingly cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, a loan application and other documents from Boch Mitsubishi in Massachusetts to Mitsubishi Motors Credit of America, Inc. in California.

All in violation of Title 18, United States Code, Sections 1343 and 2.

NOTICE OF ADDITIONAL FACTORS

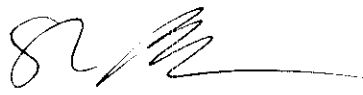
The Grand Jury further finds that:

1. The offense described above involved an organized scheme to steal vehicles.

Accordingly, U.S.S.G. § 2B1.1(b)(10) applies to this case.

A TRUE BILL


FOREPERSON OF GRAND JURY


Seth P. Berman
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS, Boston, November 11, 2004. @ 11:51AM

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk

Criminal Case Cover Sheet

04 CR 10343 NG

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency POSTAL INSPECTORSCity Norwood Related Case Information:

County Norfolk Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name HECTOR OQUENDO Juvenile ☐ Yes ☒ No

Alias Name _____

Address 34 Annuciation Road, Apt 34N, Roxbury, MA 02120Birth date (Year only): 1975 SSN (last 4 #): 2633 Sex M Race: Bl-Hisp Nationality: USA

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Seth P. Berman Bar Number if applicable 629332Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☒ No
☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony Two

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 11/17/04Signature of AUSA: [Signature]

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant HECTOR OQUENDO

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 1341</u>	<u>Mail Fraud</u>	<u>One</u>
Set 2	<u>18 U.S.C. § 1343</u>	<u>Wire Fraud</u>	<u>Two</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: